

Application No. 10/012,003
Amdt. Dated January 7, 2004
Reply to Office action of July 8, 2003
Attorney Docket FLO745.0002

REMARKS

This paper addresses the issues raised in the Office Action mailed 07 July 2003. This amendment is submitted in compliance with the guidelines of the revised amendment practice. See 1267 Off. Gazette 106.

Claims 1 and 16, 19-29 are currently pending. The claims were objected due to not being in proper numerical sequence. Claim 29 was rejected under 35 U.S.C. § 102(b) as being anticipated by Walzer (USPN 4,199,469). Claims 1, 16-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vermeer, et. al. (Vermeer) (USPN 5,750,733) and over O'Neal (USPN 6,051,108). As set out below, Applicant respectfully submits that the present invention as claimed is patentable over the cited art and urges the Examiner to reconsider the pending rejections.

Claims Rejection – 35 U.S.C. § 102(b)

Examiner Ogden has rejected Claim 29 under 35 U.S.C. § 102(b) as being anticipated by Walzer. The Walzer reference does not include an activation agent which activates the cleaning solution portion of the composition as set out in Claim 29. Accordingly, it is respectfully submitted that Walzer does not include all the limitations of Claim 29. Thus, Claim 29 is not anticipated by the cited reference. Reconsideration of the rejection is respectfully requested.

Claims Rejection – 35 U.S.C. § 103(a)

Examiner Ogden has rejected Claims 1, 16-28 under 35 U.S.C. § 103(a) as being unpatentable over Vermeer. It is respectfully submitted that the cited reference does not render the present invention, as claimed, unpatentable. Reconsideration is thus requested.

/ Vermeer discloses a different type of composition than that which is claimed. Vermeer discloses a foaming composition for use with laundry detergent and personal hygiene. This composition is created from naturally occurring, organic compounds. More specifically, the

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composition is directed toward a "class of environmentally friendly 'green' nonionic carabohydrate based surfactant." (Vermeer, Col. 5, Lines 20-21)

The present invention, as claimed, is distinctive from the composition of Vermeer. The present invention is not an organically created composition. Further, the composition does not creates a foam in order to clean the target surface. These differences are significant in that the Vermeer composition is directed toward a household product, whereas the present invention, is directed toward an industrial product. The present invention, as claimed, includes various acids of the type that are not to be used in laundry detergents or personal care products.

It is submitted that the Vermeer composition is directed toward a different composition make- up (organic v. non-organic), a different application (household use v. industrial use) and utilizes a different cleaning action (foaming or sudsing v. spraying) than that of the present invention, as claimed. Accordingly, it is respectfully submitted that the present invention is not rendered not patentable over Vermeer. Reconsideration is respectfully requested.

Examiner Ogden has rejected Claims 1, 16-28 under 35 U.S.C. § 103(a) as being unpatentable over O'Neal Jr, (6,051,108) It is respectfully submitted that the cited reference does not render the present invention, as claimed, unpatentable. Reconsideration is thus requested.

O'Neal discloses a method to remove buildup of contaminants during a papermaking process. The contaminants include manganese and polymide wet-strength resin. (Col. 2, Line 17-18, 45). The compositions are specifically directed toward contaminants found in the paper making process. In contrast, the present invention is directed toward the removal of contaminants in drink water and related tanks. The contaminants found in a drink water tank

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differ from those in a paper making process. Thus, the make up of the composition to clean these contaminants are different.

The Examiner stated that O'Neal does not include an example of the composition of the present application but that it would have been obvious to make such a composition due to the listing of the components in the reference. However, since the types of contaminants are different and the processes are different from the present invention, there is no motivation to modify or change the compositions as set out in O'Neal to make the composition as claimed. Further, there is no discussion of using the O'Neal method in a drink water tank setting, which further demonstrates its inability to teach or suggest any modification for use in a drink water tank situation.

Accordingly, it is respectfully submitted that the present invention is not rendered not patentable over O'Neal. Reconsideration is respectfully requested.

Based on the above, Applicant respectfully submits that the application is in condition for registration and reconsideration is requested. If the Examining Attorney has any questions or comments or if further clarification is required, it is requested that he contact the undersigned at the below listed telephone number.

It is understood there is a three month extension required at this time. Please consider this paper to act as a petition for such an extension. A three month extension fee is attached. Should a fee deficiency have occurred, please contact the undersigned.

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Respectfully submitted,



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CERTIFICATE OF FACSIMILIE UNDER 37 CFR 1.08/1.10

I hereby certify that this document and any document referred to as being attached therein is being send via facsimile to fax number (703) 872.9311 and being addressed to: Box Amendments, Assistant Commissioner for Patents and Trademarks, Washington, D.C. 20231, on January 7, 2004.

Brent A. Capehart
Name



Signature